

## **FILING A COMPLAINT WITH THE SCHOOL ETHICS COMMISSION**

An official complaint form (attached) is required to be filed by person(s) alleging violations of N.J.S.A. 18A:12-21 et seq., the School Ethics Act ("Act"). Please read the statute carefully and cite the section(s) of the Act you believe were violated. Additionally, please note that the only provisions of the Act which contain substantive standards that can be violated by a school official are found at N.J.S.A. 18A:12-24, N.J.S.A. 18A:12-24.1 and those provisions relative to disclosure statements and training requirements.

A complaint must be ***notarized*** in order to be accepted. You are required to file an ***original*** and ***two*** copies of the complaint and all documentation. If you file a complaint against more than one respondent, providing a copy of your complaint for *each respondent named* will facilitate processing. Send your complaint to:

Paul Garbarini, Chairperson  
School Ethics Commission  
New Jersey State Department of Education  
PO BOX 500  
Trenton, NJ 08625-0500

Upon receipt of your complaint, the person(s) against whom the complaint is filed shall be notified by the Commission and shall have 20 days to reply to the complaint. All proceedings before this office, including your complaint and any inquiries made into this complaint, will be conducted in a confidential manner until the Commission first takes action at a public meeting to determine whether probable cause exists or whether a violation exists, whichever applies.

Where a complainant alleges a violation of only the Code of Ethics for School Board Members, N.J.S.A. 18A:12-24.1(a) through (j), the complainant shall set forth in the complaint a factual basis for the allegations pursuant to N.J.A.C. 6A:28-6.9(b) (copy enclosed) and shall have the burden to prove factually any such violations. After receipt of a response, the Commission may hold a hearing in accordance with N.J.A.C. 1:1 and determine whether a violation exists. Please note that N.J.S.A. 18A:12-24.1(a) through (j) apply only to School Board members.

Where the complainant alleges violations of prohibited acts or prohibited acts in combination with violations of the Code of Ethics, after receipt of the response and any further fact-finding which may be required, the Commission will determine whether the matter should be dismissed or whether probable cause exists to pursue the matter further. If probable cause is determined, the complaint and the response may be transmitted to the Office of Administrative Law (OAL) for an administrative hearing, if there are material facts in dispute.

If a violation of the School Ethics Act has been demonstrated, the Commission shall recommend a penalty to the Commissioner of Education which may include reprimand, censure, suspension or removal.

NAME OF COMPLAINANT(S)	:	BEFORE THE SCHOOL
	:	
	:	ETHICS COMMISSION
V.	:	
	:	OF NEW JERSEY
	:	
NAME OF RESPONDENT(S)	:	SCHOOL ETHICS ACT
	:	
_____	:	COMPLAINT FORM

I, \_\_\_\_\_, residing at  
(Name of Complainant)

\_\_\_\_\_  
(Address/City/State/Zip Code & Phone Number of Complainant)

request the School Ethics Commission to consider a complaint against the above named  
respondent whose **resident address** is \_\_\_\_\_  
(Address/City/State/Zip Code)

in accordance with the authority of the School Ethics Commission to entertain such  
complaints under N.J.S.A. 18A:12-21 et seq.

The facts upon which this complaint is based are as follows: (Set down below in  
individually numbered paragraphs the specific facts upon which this complaint is based  
that cause you to believe that a violation of the School Ethics Act has occurred. You  
must also include the date(s) of the occurrence(s) upon which the complaint is based.  
Cite the section(s) of the Act or the Code of Ethics which you believe have been violated.  
Please note that in the Code of Ethics, you have the burden to prove factually the  
allegations set forth herein and must include with your complaint, any supporting  
documentation that you plan to submit.

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

---

3. \_\_\_\_\_

---

---

---

---

---

---

---

4. \_\_\_\_\_

---

---

---

---

---

---

---

WHEREFORE, I as the complainant, request the School Ethics Commission find and determine that the above-named Respondent has violated the School Ethics Act and that he/she be subject to such penalty as the Commission and the Commissioner of Education deem appropriate.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Complainant or his/her  
Attorney)

## **CERTIFICATION UNDER OATH**

\_\_\_\_\_, of full age, being duly sworn upon his/her  
oath according to law deposes and says:

1. I am the complainant in this matter.
2. I have read the complaint and aver that the facts contained therein are true to the best of my knowledge and belief and I am aware that the statute which created the School Ethics Commission authorized the Commission to impose penalties for filing a frivolous complaint. N.J.S.A. 18A:12-29e.
3. This matter is not pending in any other court of law or administrative agency of this State. I will advise the School Ethics Commission if I subsequently become aware that it is pending elsewhere.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Complainant

Sworn and subscribed to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature